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June 26, 2023

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VIA ECF

Hon. James R. Cho
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Karnes et al v. City of New York et al.*, 21-CV-4903 (WFK) (JRC)
Request for Settlement Conference and Discovery Extension

Your Honor:

Along with co-counsel, I represent Plaintiffs in the above-captioned matter. We write in regard to the June 26, 2023 deadlines for (1) submitting a joint status report on whether the parties would like a referral to Court-annexed mediation or a settlement conference and (2) the close of fact discovery. The parties jointly request (1) a settlement conference to be held in mid-September on a date that is convenient for the Court and (2) an extension of the close of fact discovery until sometime after a settlement conference. This is the fifth request for an extension of the close of fact discovery. All prior requests were granted in full or in part. Granting the current request would not affect any other scheduled Court appearance or deadline.

When the last request was granted, Plaintiffs were waiting on two additional expert reports: one on Hunter Petree's wrist injury and one on Molly Washam's traumatic brain injury (TBI). Plaintiffs needed those reports before they could make an informed settlement demand and settlement negotiations could begin in earnest. Plaintiffs received the wrist report on June 13, 2023, and the TBI report on June 14, 2023. On June 23, 2023, Plaintiffs sent Defendants settlement demands, updated medical records, and comparables.

The parties intend to begin settlement discussions, but would like to put a date on the calendar for a settlement conference with the Court, should Your Honor be amenable to conducting

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one.

Respectfully, a date sometime in early or mid-September seems like the best time to have a settlement conference. Defense counsel will be out of the country from July 4 through 13, 2023, and then has one trial starting on July 31, 2023, and another starting on August 14, 2023. (*See Herrera-Amador v. City of New York, et al.*, 16-CV-5915 (NGG) (VMS); *Ashley v. Detective Mike Civil*, 14-CV-5559 (MMH).) Additionally, a mid-September settlement conference will give the parties time to negotiate among themselves before the conference.

We thank the Court for its attention to this matter.

Respectfully submitted,



Keegan Stephan, Esq.